

GORDON & REES LLP
90 Broad Street, 23rd Floor
New York NY, 10004
Tel: 212-269-5500
Fax: 212-269-5505
Christopher B. Block, Esq.
CBlock@GordonRees.com

Hearing Date: February 17, 2011 at 10:00 a.m.
Response Deadline: February 3, 2011 at 4:00 p.m.

Attorneys for BP Microsystems, L.P.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

.....X	:	
In re:	:	
	:	Chapter 11
DELPHI CORPORATION, <u>et al.</u> ,	:	Case No. 05-44481 (RDD)
	:	Jointly Administered
Debtors,	:	
	:	
.....X	:	
DELPHI CORPORATION, <u>et al.</u> ,	:	Adv. Pro. No. 07-02270 (RDD)
	:	
Plaintiffs,	:	
- against -	:	
	:	
BP, BP AMOCO CORP, BP MICROSYSTEMS	:	
INC., BP PRODUCTS NORTH AMERICA,	:	
CASTROL, CASTROL INDUSTRIAL AND	:	
UNIFRAX CORP.,	:	
	:	
Defendants.	:	
.....X	:	

**JOINDER OF BP MICROSYSTEMS, L.P. TO MOTION AND BRIEF OF ATS
AUTOMATION TOOLING SYSTEMS INC. FOR RELIEF FROM FOURTH ORDER
EXTENDING TIME TO SERVE COMPLAINT**

BP Microsystems, L.P. ("BP Micro"), by and through its attorneys, Gordon & Rees LLP, hereby files this Joinder (the "Joinder") to join in and adopt, with respect to the above-captioned case and adversary proceeding, the arguments set forth in the Motion and Brief of ATS Automation Tooling Systems Inc. ("ATS") for Relief from Fourth Order Extending Time to

Serve Complaint [Docket No. 20699] (the “Motion”) and in furtherance thereof, BP Micro states as follows:

1. BP Micro files this Joinder as a protective measure to preserve all of its rights, arguments and defenses, including those arising under Federal Rule of Civil Procedure 60(b), with regard to the above-referenced case and adversary proceeding. The facts and arguments set out in the Motion are substantially the same with respect to BP Micro, except as amended herein, such that any relief granted for the benefit of ATS should be granted for all others who are similarly situated, including but not limited to BP Micro.

2. Specifically, this Joinder is intended to preserve BP Micro’s rights to seek relief from the Fourth Extension Order on the additional or alternative grounds asserted in the Motion, to the extent such grounds have not already been asserted in any of the First or Second Wave Motions to Dismiss and replies in support thereof in which BP Micro has joined. Further, this Joinder is made without prejudice to BP Micro’s right and intention to file an Opposition to Plaintiffs’ pending Motion for Leave to Amend, together with all arguments which are appropriately made in that Opposition.

3. BP Micro expressly reserves all of its rights, remedies, arguments and claims, and nothing in this Joinder shall be deemed to be an election of remedies or a waiver of any of BP Micro’s rights, remedies, arguments and interests to pursue, amend or modify any claims or defenses against the Debtors or any other party relating to these chapter 11 cases, this Adversary Proceeding or any other legal or administrative proceeding.¹

¹ The rights that BP Micro reserves includes, but is not limited to, all of its rights under 28 U.S.C. §157(d) and the right to challenge any findings of fact entered by the Bankruptcy Court.

WHEREFORE, in the interest of judicial economy, BP Micro files this Joinder to join in and adopt the Motion and for the reasons set forth in the Motion as qualified herein, BP Micro seeks an order of this Court:

- (a) Vacating or setting aside the Service Extension Orders; and
- (b) Denying the Debtors' motion for leave to file an amended preference complaint against BP Micro.

Dated: New York, New York
October 25, 2010

/s/ Christopher B. Block
Christopher B. Block, Esq.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on October 25, 2010, she electronically filed the *Joinder of BP Microsystems, L.P. to Motion and Brief of ATS Automation Tooling Systems Inc. for Relief from Fourth Order Extending Time to Serve Complaint* (the "Joinder") using the court's CM/ECF system, which will send ECF notification of the filing of the same to the parties who have filed an appearance in this case.

The undersigned attorney further certifies that he caused the Joinder to be served by the method so indicated on October 25, 2010 upon the following:

Eric B. Fisher BUTZEL LONG, P.C. 380 Madison Avenue, 22nd Floor New York, NY 10017 Fax: (212) 818-0494 BY U.S. MAIL	U.S. Trustee United States Bankruptcy Court 300 Quarropas Street White Plains, NY 10601 BY U.S. MAIL
Chambers of Hon. Robert D. Drain U.S. Bankruptcy Court for the Southern District of New York 300 Quarropas Street White Plains, NY 10601 COURTESY COPY BY U.S. MAIL	

/s/ Christopher B. Block
Christopher B. Block, Esq.
GORDON & REES LLP
90 Broad Street, 23rd Floor
New York NY, 10004
Tel: 212-269-5500
Fax: 212-269-5505